

HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CHAD EICHENBERGER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

ESPN, INC., a Delaware corporation,

Defendant.

NO. 2:14-CV-00463

**DECLARATION OF BRYAN H.
HECKENLIVELY IN SUPPORT OF
DEFENDANT'S MOTION TO DISMISS
PLAINTIFF'S SECOND AMENDED
COMPLAINT**

I, Bryan H. Heckenlively, declare as follows:

1. I am an attorney in the law firm of Munger, Tolles & Olson LLP, attorneys for Defendant ESPN, Inc. ("ESPN") in this action. I submit this declaration in support of ESPN's concurrently filed Motion to Dismiss Plaintiff's Second Amended Complaint. I make this declaration based upon my personal knowledge and, if called as a witness, I could and would testify competently to the facts set forth below.

2. On January 24, 2015, I downloaded a decision issued on January 23, 2015 by the United States District Court for the Northern District of Georgia in *Terry Locklear v. Dow Jones & Company, Inc.*, Case No. 1:14-cv-00744-MHC. A true and correct copy of this document is attached hereto as Exhibit A.

Certificate of Service

I, Bryan H. Heckenlively, certify under penalty of perjury that on February 11, 2015, I electronically filed this document entitled Declaration of Bryan H. Heckenlively in Support of Defendant's Motion to Dismiss Plaintiff's First Amended Complaint, and Exhibits A-D thereto, using the CM/ECF system which will send notification of such filing to the following persons:

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DATED this 11th day of February, 2015, at San Francisco, California.

s/ Bryan H. Heckenlively

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